IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.35 OF 2006

IN

CRIMINAL APPEAL NO.1099 OF 2004

Sou.Sindhubai Bhagwan Bhosale
alias Pratap Bhosale @ Pitekar : Applicant.

versus

State of Maharashtra : Respondent

Mr.Vipin Bidkar for the applicant.
Mrs.S.A.Pai, APP, for the State.

CORAM : D.G.DESHPANDE
S.A.BOBDE, JJ.
DATED : AUGUST 04, 2006.

P.C.

1. Heard advocate for the applicant - original accused No.3 and learned APP for the State. This is an application for bail filed by

the original accused No.3 who is the mother-in-law of the deceased. Advocate for the accused No.3 submits that even though there was dying declaration against the present accused No.3, it has come in the evidence that the room in which suicide was committed by deceased was required to be opened forcibly. He drew our attention to the panchanama which supports his contention. He also drew our attention to para 23 of the judgment of trial court wherein the Judge has observed as :-

> "Here, I would like to make it clear that the said door is not the only door to that kitchen room. It has come on record in the evidence of defence witness No.1 Shantabai Kurhade that besides that door which was latched from inside, there is one more entrance to the kitchen room through the living hall."

The learned APP also concedes that D.W.1 Shantabai Kurhade has not where stated in her evidence that apart from the door which was latched from inside, there is one more entrance to the kitchen room through the living hall.

Therefore, these observations are wrong and, therefore, in these circumstances, the applicant - accused No.3 is entitled for bail. Hence we pass the following order :-

:ORDER:

Criminal Application No.35 of 2006 is allowed.

The applicant - original accused No.3 be released on her P.R. bond of Rs.5,000/- [Rupees Five Thousand only] with one or two sureties in the like amount.

Her substantive sentence is suspended, pending appeal.

Fine, if any, to be paid by the applicant before her release.

Criminal Application is disposed of accordingly.

[D.G.DESHPANDE,J]

[S.A.BOBDE, J]